

CMS Library
C2-07-13
7506 Security Blvd.
Baltimore, Maryland 21244

I

106TH CONGRESS
2D SESSION

H. R. 4356

To amend title XVIII of the Social Security Act to provide additional protections for Medicare beneficiaries under the Medicare+Choice Program.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2000

Mr. LATOURETTE introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide additional protections for Medicare beneficiaries under the Medicare+Choice Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Senior Health Insur-
5 ance Pull Out Prevention Act of 2000".

1 **SEC. 2. EXTENSION OF INITIAL MEDICARE+CHOICE CON-**
2 **TRACT PERIOD TO 3 YEARS.**

3 (a) IN GENERAL.—Section 1857(c)(1) of the Social
4 Security Act (42 U.S.C. 1395w-27(c)(1)) is amended—

5 (1) by striking “a term of at least 1 year” and
6 inserting “an initial term of at least 3 years”; and

7 (2) by striking “from term to term” and insert-
8 ing “for additional 1-year periods thereafter”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) apply to contracts entered into on or after
11 the date of the enactment of this Act.

12 **SEC. 3. ADVANCE NOTICE OF TERMINATION.**

13 (a) REQUIRING 1 YEAR ADVANCE NOTICE BY
14 MEDICARE+CHOICE ORGANIZATION.—Section 1857(c)(1)
15 of the Social Security Act (42 U.S.C. 1395w-27(c)(1)) is
16 amended by striking “by either party of intention to termi-
17 nate at the end of the current term” and inserting “by
18 the Secretary before the end of the current term or by
19 the organization at least one year before the end of the
20 current term”.

21 (b) TIMELY NOTIFICATION OF BENEFICIARIES OF
22 PHYSICIAN TERMINATIONS.—Section 1852(j) of such Act
23 Social Security Act (42 U.S.C. 1395w-22(j)) is
24 amended—

25 (1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “, and”; and

(C) by adding at the end the following new subparagraph:

“(D) termination procedures consistent with paragraph (7).”; and

(2) by adding at the end the following new paragraph:

“(7) **TIMELY NOTICE OF PHYSICIAN TERMINATIONS.**—Under an agreement described in paragraph (1) between a Medicare+Choice organization and a physician (or group of physicians)—

“(A) the agreement shall be automatically renewable between the parties unless there has been notice by the physician or group to the plan (or by the plan to the physician or group) at least 120 days before the date the agreement would otherwise expire; and

“(B) in the case such an agreement is not renewed, the physician or group of physicians shall provide notice at least 90 days before such expiration date to enrollees who are Medicare+Choice enrollees and are current pa-

1 tients (as defined in regulations) of the physi-
2 cian or group at the time of the notice provided
3 under clause (i).”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section apply—

6 (1) to contracts between the Secretary and
7 Medicare+Choice organizations entered into more
8 than 6 months after the date of the enactment of
9 this Act; and

10 (2) to agreements between Medicare+Choice
11 organizations and physicians (and groups of physi-
12 cians) with respect to expirations of such agreements
13 occurring after the end of the 9-month period begin-
14 ning on the date of the enactment of this Act.

15 **SEC. 4. RESTRICTION ON TERMINATION OF**
16 **MEDICARE+CHOICE PLANS IN SELECTED**
17 **AREAS WITHIN A METROPOLITAN STATIS-**
18 **TICAL AREA.**

19 (a) IN GENERAL.—Section 1857(e) of the Social Se-
20 curity Act (42 U.S.C. 1395w-27(e)) is amended by redes-
21 ignating paragraph (5) as paragraph (6) and by inserting
22 after paragraph (4) the following new paragraph:

23 “(5) LIMITATION ON SELECTIVE TERMINATION
24 OF CONTRACTS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), if a Medicare+Choice orga-
3 nization offers a Medicare+Choice plan that
4 provides coverage in a metropolitan statistical
5 area (or a New England County Metropolitan
6 Area) in a State and terminates such coverage
7 for any part of such area (or Area) in the
8 State, the Secretary shall terminate any con-
9 tract with the organization for coverage of any
10 part of that area (or Area) in that State.

11 “(B) EXCEPTION.—The Secretary may
12 waive the requirement of subparagraph (A) if
13 the Secretary finds that terminating contracts
14 for coverage in all parts of a metropolitan sta-
15 tistical area (or New England County Metro-
16 politan Area) in the State would pose an immi-
17 nent and serious risk to the health of individ-
18 uals enrolled with the organization under this
19 part in the area (or Area).”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) apply to terminations for which notice is
22 provided on or after the date of the enactment of this Act.

1 SEC. 5. CONTINUITY OF CARE IN CASE OF INVOLUNTARY
2 TERMINATION.

3 (a) IN GENERAL.—Section 1852(d) of the Social Se-
4 curity Act (42 U.S.C. 1395w-22(d)) is amended by adding
5 at the end the following new paragraph:

6 “(5) CONTINUITY OF CARE.—

7 “(A) IN GENERAL.—If—

8 “(i) an individual’s enrollment with a
9 Medicare+Choice plan offered by a
10 Medicare+Choice organization under this
11 part is terminated by the organization
12 (other than for cause with respect to that
13 individual), and

14 “(ii) on the effective date of such ter-
15 mination of enrollment the individual is in
16 a course of treatment for which coverage is
17 available under the plan and the individual
18 is not at that time covered under another
19 Medicare+Choice plan,

20 notwithstanding such termination the organiza-
21 tion shall continue to provide coverage for the
22 covered course of treatment for a period of 90
23 days after such effective date.

24 “(B) PERMISSIBLE TERMS AND CONDI-
25 TIONS.—The coverage provided under subpara-
26 graph (A) shall be under the same terms and

conditions (including applicable policies, procedures, and quality assurance standards) as existed on the date before the effective date of the termination.

“(C) TERMINATE DEFINED.—In this paragraph, the term ‘terminate’ includes the termination of a Medicare+Choice plan as a result of the expiration or nonrenewal of a contract by the organization under this part.

“(D) CONSTRUCTION.—Nothing in this paragraph shall be construed to require the coverage of benefits which would not have been covered on the effective date of the termination involved.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts entered into or renewed on or after the date of the enactment of this Act.

○

CMS LIBRARY



3 8095 00010541 7